

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

FUNCTIONAL PATHWAYS OF)	Civil Action No.: 4:12-cv-00922-RBH
TENNESSEE, LLC,)	
)	
Plaintiff,)	
)	ORDER
)	
v.)	
)	
WILSON SENIOR CARE, INC.,)	
f/k/a THE WILSON GROUP, INC.,)	
)	
Defendant.)	
)	

This matter comes before the Court on the motion of Plaintiff Functional Pathways of Tennessee, LLC to file its response (including attachments) to Defendant Wilson Senior Care, Inc.'s motion for a protective order under seal. ECF No. 68. The Court has reviewed the filings submitted on this matter. In accordance with *In re Knight Publishing Company*, 743 F.2d 231 (4th Cir. 1984), the Court grants the motion to seal on a temporary basis. Because *In re Knight* requires the Court to provide public notice of a party's request to seal and allow interested parties an opportunity to object, this order temporarily grants the motion to seal until November 20, 2013. If in the interim period any interested party wishes to object to the permanent sealing of the documents at issue, that party may file a notice of appearance and state its objections. In the event any objections are filed, the Court will schedule a hearing on the motion to seal and hear the arguments of all parties. Should no objections be filed by November 20, 2013, the temporary order will automatically convert to a permanent order to seal.

The Court considered less drastic alternatives to sealing the requested documents. The Court finds that less drastic alternatives are not appropriate in this case, as the documents concern Defendant's communications with legal counsel.

The Court finds persuasive the arguments of counsel in favor of sealing the documents and rejecting the alternatives. The documents contain confidential information regarding Defendant's communications with legal counsel. The Court notes that the litigants' interest in nondisclosure of such proprietary information outweighs the public's right to access to these documents. *See May v. Medtronic Inc.*, No. CA 6:05-794-HMH, 2006 WL 1328765, *1 (D.S.C. May 15, 2006). The confidential and sensitive nature of the information in the documents at issue requires that the documents be sealed. Therefore, the Court **GRANTS** Plaintiff's motion to seal (ECF No. 68) in accordance with the limitations stated herein.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
November 13, 2013